

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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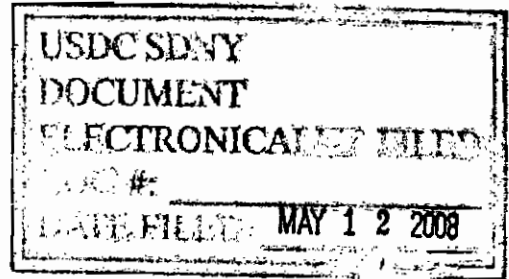
UNITED STATES OF AMERICA :

-v.- :

DANIEL MCCARTHY,
a/k/a "Daniel Amaty,"
a/k/a "David McCarthy," :

Defendant. :

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ORDER OF FORFEITURE

07 Cr. 0854 (LTS)

WHEREAS, on or about September 10, 2007, DANIEL MCCARTHY, a/k/a "Daniel Amaty," a/k/a "David McCarthy," (the "defendant"), was charged in a two-count Indictment, 07 Cr. 0854 (LTS) (the "Indictment"), with access device fraud, in violation of 18 U.S.C. § 1029(a)(2) (Count One), and with using the name and social security number of another individual to obtain credit card and charge account numbers, in violation of 18 U.S.C. § 1028A (Count Two);

WHEREAS, the Indictment included a forfeiture allegation seeking, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged in the Indictment;

WHEREAS, on or about January 18, 2008, the defendant pled guilty to Counts One and Two of the Indictment;

WHEREAS, on or about May 9, 2008, the defendant was sentenced and ordered to forfeit, pursuant to 18 U.S.C.

§ 982(a)(2)(B), a money judgment in the amount of \$28,375.58 in United States Currency, representing the amount of proceeds obtained as a result of the offense charged in Count One of the Indictment; and

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, for which the defendant pled guilty, a money judgment in the amount of \$28,375.58 shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final as to the defendant, DANIEL MCCARTHY, at the time of sentencing and shall be made part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

4. All payments on the outstanding money judgment

shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

6. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney, Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
May 9, 2008

SO ORDERED:

A handwritten signature in black ink, appearing to be 'Laura Taylor Swain', written over a horizontal line.

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE